



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
DEPARTMENT OF HUMAN SERVICES
JANICE BROOME BROOKS
EXECUTIVE DIRECTOR
December 13, 2001

RECEIVED & INSPECTED

FEB 27 2002

FCC - MAILROOM

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW - A325
Washington, D.C. 20554

Reference: CC Docket Numbers 96-45/and 97-21

Applicant Name: Mississippi Department of Human Services
Division of Youth Services

Billed Entity Number: 222436

471 Application Number: 239430

Funding Request Number(s): 568884, 569018, 569083, 569140

Administrators Decision Appeal Funding Year 2001-2002: November 27, 2001

Appeal Dated: August 20, 2001, Revised November 20, 2001

Contact Person: Clarence Powell - (601) 359-4954, Fax (601) 359-4970

E-Mail clarencepowell@mdhs.state.ms.us

This letter is to appeal the Administrator's Decision on Appeal Funding Year 2001-2002. I believe there is a basis for further examination of our application.

- The issue is a simple typographical error. There was no intent to defraud. A valid 470 is involved, switching to it did meet requirements. See the attached 470 filed by Mississippi Department of Information Technology Services. ITS filed a state master contract as the state technical agency. Therefore, our agency did not need to file a separate 470 for internal connections. We go by the 470 filed by ITS covering everyone in the state of Mississippi.
- The discussions with your agency on July 20, 2001 internal connections were not discussed. See memorandums dated July 20, 2001 and July 23, 2001. We were trying to get internal connections. There was no reason to state, "we didn't want it."

No. of Copies rec'd
List A B C D E

Federal Communications Commission
Page Two

- ITS was posted for 28 days. They went through the proper bidding process. Our agency switching our 470 to 204490000291326 would make compliant.

In preparing the form 470, we attempted to follow the proper instructions. This process is difficult, to say the least. There has been no attempt to veer from stated guidelines, only an attempt to comply. In resolving this appeal, it is our hope all issues will be reconsidered favorably.

Sincerely,

A handwritten signature in cursive script that reads "Willie Blackmon".

Willie Blackmon, Director
Division of Youth Services

WB:ST

pc: Sarah Thomas
Clarence Powell

Copy faxed to
Mrs. Thomas
12-5-01/
J



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

November 27, 2001

Willie Blackmon, Director
Mississippi Department of Human Services
Division of Youth Services
750 North State Street
Jackson, MS 39202

RECEIVED

DEC - 3 2001

Mississippi Department of Human Services
Division of Youth Services

Re: Billed Entity Number: 222436
471 Application Number: 239430
Funding Request Number(s): 568884, 569018, 569083, 569140
Your Correspondence Dated: August 20, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Three Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: ~~568884, 569018, 569083, 569140~~
Denied in full

- Your appeal claims that funds were denied because the Form 470 did not include service of this type. You stated that due to an error, you referenced the wrong form 470, contract dates, and contract numbers. You would like the SLD to change Form 470 to 204490000291326, contract dates to 6/20/2000, contract number to "land-server EPL" and approve funds requested.
- During the initial review process, you were contacted requesting a 470# that posted for internal connections. The phone call was made on 7/20/01. You responded to the reviewer saying that you had not posted for internal connections and understood that you would not receive funding for these FRNs.

- FCC rules require that except under limited circumstances, all new services ordered on the Form 471 be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. *See* 47 C.F.R. §§ 54.504; 54.511(a), (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997). The only exceptions to the posting requirement are for: (1) contracts signed on or before July 10, 1997 for the life of the contract; (2) contracts signed between July 10, 1997 and before January 30, 1998 (the date on which the website became operational) for services provided through June 30, 1999. *See* 47 C.F.R. § 54.511(c); *Fifth Reconsideration Order*, 13 FCC Rcd at 14916 *Fifth Reconsideration Order*, 13 FCC Rcd at 14916 ¶ 2, and 14920 ¶ 8 (extending Year One funding period through June 30, 1999).

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Memorandum

TO: Brian Gilmore

From: Sarah Thomas
MDHS/DYS
Education Coordinator

DATE: July 20, 2001

RE: E-Rate

You have requested an explanation of the following:

A-16 - refers to a fax-line charge, which should be acceptable

the charges billed as "other" on A-6, A-7, and B-1 all refer to miscellaneous charges, therefore all should be deleted from our request

If any questions remain please contact Clarence Powell, as listed in our E-Rate package.

MEMORANDUM

TO: Whom It May Concern

FROM: Sarah Thomas
Education Coordinator

DATE: July 23, 2001

RE: E-Rate

Regarding - #4 Non-public School

The enrollment effective July 23, 2001 is as follows:

Williams School, located on Oakley Campus also known as MYCC has 315 students, who are wards of the State of Mississippi and all receive free lunch.

East Columbia School, located on the campus of Columbia Training School has 177 students, who are wards of the State of Mississippi and all receive free lunch.

Attached is a copy of a Court Order.

Regarding - A-16

This refers to a fax-line charge, a telecommunications item. The Avaya Communications has changed hands about three times. It once was Lucent Technologies, it then changed to another company (name unknown) finally becoming the current Avaya Communications.

If you require further assistance please contact Clarence Powell, the listed contact person.

FCC Form

Approval by OMB
3060-0806**470**

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications (School, library, or consortium desiring Universal Service funding.)

| |
|---|
| Form 470 Application Number: 204490000291326 |
| Applicant's Form Identifier: LANEPLJULY00 |
| Application Status: CERTIFIED |
| Posting Date: 05/22/2000 |
| Allowable Contract Date: 06/19/2000 |
| Certification Received Date: 05/30/2000 |

| | | | |
|---|--------------------|---|------------------------|
| 1. Name of Applicant: Mississippi Dept. of Information Technology Services | | | |
| 2. Funding Year: 07/01/2000 - 06/30/2001 | | 3. Your Entity Number 154253 | |
| 4. Applicant's Street Address, P.O.Box, or Route Number | | | |
| a. Street 301 N. Lamar St., Suite 508 | | | |
| City Jackson | State MS | Zip Code 5Digit 39201 | Zip Code 4Digit |
| b. Telephone number (601) 359- 2613 | | c. Fax number (601) 354- 6016 | |
| d. E-mail Address rawson@its.state.ms.us | | | |
| 5. Type Of Applicant (Check only one box) | | | |
| <input type="radio"/> Library (including library system, library branch, or library consortium applying as a library) | | | |
| <input type="radio"/> Individual School (individual public or non-public school) | | | |
| <input type="radio"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) | | | |
| <input checked="" type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia) | | | |
| 6a. Contact Person's Name: Gary Rawson | | | |
| 6b. Street Address, P.O.Box, or Route Number (if different from Item 4) | | | |
| <input checked="" type="radio"/> 301 N. Lamar St., Suite 508 | | | |
| City Jackson | State MS | Zip Code 5Digit 39201 | Zip Code 4Digit |

| | | |
|--------------------------|---|------------------------|
| <input type="checkbox"/> | 6c. Telephone Number (10 digits + ext.) | (601) 359- 2613 |
| <input type="checkbox"/> | 6d. Fax Number (10 digits) | (601) 354- 6016 |
| <input type="checkbox"/> | 6e. E-mail Address (50 characters max.) | rawson@its.state.ms.us |

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☐ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☐ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☐ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.
- b. ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

9 ☐ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.
- b. ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

10 ☒ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☒ **YES**, I have an RFP. Choose one of the following: It is available on the Web at **www.its.state.ms.us**
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☐ **NO**, I do not have an RFP for these services.

If you answered **NO**, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

| | |
|------------------------------|----------------------------------|
| Name: Jane Woosley | Title: EPL Coordinator |
|------------------------------|----------------------------------|

Telephone number (10 digits + ext.)
(601) 359 - 2081

Fax number
(601) 354 - 6016

E-mail Address (50 characters max.)
woosley@its.state.ms.us

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.
www.its.state.ms.us

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is **ONLY** for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required ☒ has been purchased; and/or ☒ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☒ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☒ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☒ are being sought.

e. Staff development: ☐ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☒ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

For proposals offered for possible inclusion on a LAN-Server Express Products List (EPL) to be used in the acquisition of Novell/NT servers, LAN components, and cabling necessary for a turn-key LAN solution.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected: **MS**

a. ☐ Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. ☒ Statewide application (check all that apply):

- ☒ All public schools/districts in the state:
- ☒ All non-public schools in the state:
- ☒ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☒ If checked, complete Item 18.

c. ☐ School district, library system, or consortium application to serve multiple eligible sites:

| | |
|--|--|
| Number of eligible sites | |
| <i>For these eligible sites, please provide the following</i> | |
| Area Codes (list each unique area code) | Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces |
| If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item 18. | |

17. Billed Entities

| Entity Name | Entity Number |
|--|---------------|
| MISSISSIPPI STATE DEPT OF ED | 128642 |
| All Eligible Libraries in State MS | |
| All Non-Public Schools in State MS | |
| All Public Schools/Districts in State MS | |

18. Ineligible Entities

| Ineligible Participating Entity | Entity Number | Area Code | Prefix |
|---------------------------------|---------------|-----------|--------|
| State Agencies | 207925 | 601 | 359 |
| Institutes of Higher Learning | 207926 | 601 | 359 |
| Governing Authorities | 207927 | 601 | 359 |
| Community and Junior Colleges | 207928 | 601 | 359 |

Block 5: Certification**19. The applicant includes:(Check one or both)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☐ individual technology plans for using the services requested in the application
- b. ☒ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☐ technology plan(s) will be approved by a state or other authorized body.
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only. .

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 05/26/2000

27. Printed name of authorized person: **David L. Litchliter**
28. Title or position of authorized person: **Executive Director**
29. Telephone number of authorized person: **(601) 359 - 1395** ext.

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STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
DEPARTMENT OF HUMAN SERVICES
JANICE BROOME BROOKS
EXECUTIVE DIRECTOR

November 20, 2001

School and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, N.J. 07981

REFERENCE: Letter of Appeal

Dear Appeal Officer:

An appeal letter was forwarded to you previously on August 20, 2001. However, please note the changes (see attachment):

- Mr. Powell's e-mail address is clarencepowell@mdhs.state.ms.us
- The funding number 239430 should have been 569083

Should you have additional questions, please feel free to contact Mr. Clarence Powell at (601) 359-4954.

Sincerely,

Willie Blackmon

Willie Blackmon, Director
Division of Youth Services

WB

Attachments

pc: Sarah Thomas
Clarence Powell



STATE OF MISSISSIPPI
DAVID RONALD MURKOVIC, GOVERNOR
DEPARTMENT OF HUMAN SERVICES
JANICE BROOME BROOKS
EXECUTIVE DIRECTOR
November 20, 2001

Revised Copy

Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, N.J. 07981

REFERENCE: Letter of Appeal

Dear Appeal Officer:

This letter is to appeal the E-Rate Application Funding Commitment Decision Letter for the Mississippi Department of Human Services, Division of Youth Services, 750 North State Street, Jackson, Mississippi 39202, dated August 7, 2001; Funding Year 4: 7-1-01 through 6-30-02, Form 471 application number 239430, billed entity number 222438.

Mr. Clarence Powell, our contact person, may be reached at (601) 359-4954, fax number (601) 359-4970 or e-mailed at clarencepowell@mdhs.state.ms.us.

The subject to the appeal is as follows:

- Funding request numbers 568884, 569018, 569083, and 569140, were not funded.
- The funding commitment decision explanation cited on form 470 did not include service of this type; therefore, it does not meet the 28-day competitive bidding requirement.

The appeal is based on the fact that when we did the form 470, we typed the wrong application number for all of the above funding request numbers. The correct application number should have been Z04490000291326; the allowable contract date should have been June 19, 2000; the contract award date should have been June 20, 2000; the contract number is land-server EPL.

All of the above referenced items were bid out by Information Technology Services thus meeting the 28-day requirement.

Appeal Letter**November 20, 2001****Page Two**

In preparing the form 470, we attempted to follow the provided instructions. We were assisted by a representative from the Mississippi Department of Education, Office of Technology Education, Mr. Ken Thompson. We were seeking to comply with all requested documentation and file in accordance with all requirements in a correct and timely manner. In resolving this appeal, it is our hope that it will be reconsidered.

Sincerely,

A handwritten signature in cursive script that reads "Willie Blackmon".

Willie Blackmon, Director
Division of Youth Services

WB:

pc: Sarah Thomas
Clarence Powell



STATE OF MISSISSIPPI
DAVID RYAN MURPHY, GOVERNOR
DEPARTMENT OF HUMAN SERVICES
JANICE BROWN, BEAVER
EXECUTIVE DIRECTOR

August 20, 2001

Schools and Libraries Division
Box 125 Correspondence Unit
80 South Jefferson Road
Whippany, N.J. 07981

REFERENCE: Letter of Appeal

Dear Appeal Officer:

This letter is to appeal the Final Application Funding Commitment Decision Letter for the Mississippi Department of Human Services, Division of Youth Services, 750 North State Street, Jackson, Mississippi 39202, dated August 7, 2001; Funding Year 4: 7-1-01 through 6-30-02, Form 471 application number 239430, billed entity number 222436.

Mr. Clarence Powell, our contact person, may be reached at (601) 359 4954, fax number (601) 359-4970 or e-mailed at cpowell@mdhs.state.ms.us.

The subject of the appeal is as follows:

- Funding request numbers, 568884, 569018, 239430, and 569140, were not funded.
- The funding commitment decision explanation cited on form 470 did not include service of this type; therefore, it does not meet the 28-day competitive bidding requirement.

The appeal is based on the fact that when we did the form 470, we typed the wrong application number for all of the above funding request numbers. The correct application number should have been 704490000291326; the allowable contract date should have been June 19, 2000; the contract award date should have been June 20, 2000; the contract number is land server LPL.

All of the above referenced items were bidded out by Information Technology Services thus meeting the 28-day requirement.

Appeal Letter**August 20, 2001****Page Two**

In preparing the form 470, we attempted to follow the provided instructions. We were assisted by a representative from the Mississippi Department of Education, Office of Technology Education, Mr. Ken Thompson. We were seeking to comply with all requested documentation and file in accordance with all requirements in a correct and timely manner. In resolving this appeal, it is our hope that it will be reconsidered.

Sincerely,



Willie Blackmon, Director
Division of Youth Services

WB:

pc: Sarah Thomas
Clarence Powell